

R E C E I V E D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

APR 27 2018

AT 8:30
WILLIAM T. WALSH
CLERK

FOREST LABORATORIES HOLDINGS, LTD.,)
ALLERGAN SALES, LLC, and ALLERGAN)
USA, INC.,)

C.A. No. 3:17-cv-07996-BRM-DEA

Plaintiffs,)

vs.)

STRIDES PHARMA GLOBAL PTE LIMITED and)
STRIDES PHARMA, INC.)

Defendants.

STIPULATION AND ORDER

The Court, upon the consent and request of Plaintiffs Forest Laboratories Holdings, Ltd., Allergan Sales, LLC and Allergan USA, Inc. (collectively, “Plaintiffs”) and Defendants Strides Pharma Global PTE Limited, and Strides Pharma, Inc. (collectively, “Strides”), hereby acknowledges the following Stipulation and issues the following Order.

STIPULATION

1. This Court has subject matter jurisdiction over the above-captioned patent infringement action (the “Action”) and no party contests personal jurisdiction over Plaintiffs and Strides for purposes of this Stipulation and Order, and any proceedings relating thereto. Venue is proper in this Court as to Plaintiffs and Strides for purposes of the Action.

2. In the Action, Plaintiffs have alleged that Strides infringes U.S. Patent No. 6,602,911 (“the ’911 Patent”), U.S. Patent No. 7,888,342 (“the ’342 Patent”), and U.S. Patent No. 7,994,220 (“the ’220 Patent”) (collectively, the “Patents in Suit”) in connection with Strides’ submission of Abbreviated New Drug Application (“ANDA”) No. 207399 directed to generic tablets containing 12.5 milligrams, 25 milligrams, 50 milligrams, or 100 milligrams of milnacipran hydrochloride per tablet to the U.S. Food and Drug Administration (“FDA”).

3. To date, no final judgment has been entered by this Court in this Action regarding Plaintiffs’ claims.

4. For purposes of this Action, Strides admits that the submission of ANDA No. 207399 to the FDA for the purpose of obtaining regulatory approval to engage in the commercial manufacture, use and/or sale of generic tablets containing 12.5 milligrams, 25 milligrams, 50 milligrams, or 100 milligrams of milnacipran hydrochloride per tablet within the United States before the expiration of the ’911 Patent, the ’342 Patent, and the ’220 Patent was a technical act of infringement of each of those patents under 35 U.S.C. § 271(e)(2)(A). This admission is without prejudice to Strides’ defenses and counterclaims that the ’911 Patent, the ’342 Patent,

and the '220 Patent are invalid and/or that the product described by ANDA No. 207399 does not infringe those patents.

5. By this Stipulation and Order, the Parties agree that all other claims set forth in the pleadings in the Action, including allegations and averments contained therein, should be dismissed, without prejudice.

ORDER

Accordingly, pursuant to the above Stipulation, and upon the consent and request of Plaintiffs and Strides, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. The filing of ANDA No. 207399 was a technical act of infringement of the '911 Patent, the '342 Patent, and the '220 Patent under 35 U.S.C. § 271(e)(2)(A). No decision of the Court has been obtained by either party regarding the validity of the '911 Patent, the '342 Patent, and the '220 Patent and/or whether the product described by ANDA No. 207399 infringes those patents.

2. All other claims and defenses set forth in Plaintiffs' and Strides' pleadings against each other in the Action, including the allegations and averments contained therein, are hereby dismissed, without prejudice.

3. Absent a license or other authorization by Plaintiffs, Strides, its officers, agents, servants, employees and attorneys, and all other persons in active concert or participation with any of them who receive actual notice of this Order by personal service or otherwise, are hereby enjoined from manufacturing, using, offering to sell or selling within the United States, or importing into the United States, the generic tablet products containing 12.5 milligrams, 25 milligrams, 50 milligrams, or 100 milligrams of milnacipran hydrochloride per tablet that are the subject of ANDA No. 207399 during the life of the Licensed Patents, including any extensions

and pediatric exclusivities, unless and until all claims of the Patents in Suit are found invalid or unenforceable by a court decision from which no appeal has been or can be taken.

4. Plaintiffs and Strides each expressly waive any right to appeal or otherwise move for relief from this Stipulation And Order.

5. This Court retains jurisdiction over Plaintiffs and Strides for purposes of enforcing this Stipulation And Order.

6. This Stipulation And Order shall finally resolve this Action between Plaintiffs and Strides.

7. The Clerk of the Court is directed to enter this Stipulation And Order in the above-captioned Action forthwith.

Dated: April 26, 2018

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SO ORDERED:

This 27th day of April, 2018



HONORABLE BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE